

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

UNITED STATES OF AMERICA,	:	Criminal No. 09-626-RMB-2
	:	
Plaintiff	:	
	:	AMENDED ORDER
v.	:	
	:	
VLADIMIR DRINKMAN,	:	
	:	
Defendant	:	

BUMB, United States District Judge

This Order amends the Court's Order dated March 24, 2022 (Dkt. No. 162) concerning Defendant Vladimir Drinkman's emergency motion for reduction of sentence under the First Step Act, 18 U.S.C. § 3582(c)(1)(A). (Dkt. No. 161.) Drinkman alleges that he earned sufficient time credits under the First Step Act's evidence-based recidivism reduction program to entitle him to an eight-month reduction in sentence and immediate release from prison. See, 18 U.S.C. § 3632(d)(4). Based on an allegedly erroneous statutory interpretation, Defendant alleges the Bureau of Prisons refused to apply his time credits because he is subject to an ICE detainer.

When a prisoner challenges the execution or duration of his sentence and seeks relief of earlier release from prison, the correct vehicle for his challenge is a petition for writ of habeas corpus under 28 U.S.C. § 2241, filed in the district of

confinement. *See, Leamer v. Fauver*, 288 F.3d 532, 542 (3d Cir. 2002) ("whenever the challenge ultimately attacks the 'core of habeas' . . . the fact or length of the sentence . . . a challenge, however denominated and regardless of the relief sought, must be brought by way of a habeas corpus petition"); *see also, Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) ("in habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held...") This Court will construe Defendant's motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A) as a habeas petition under § 2241.

Defendant is presently incarcerated in the Federal Correctional Institution Allenwood (Low), in White Deer, Pennsylvania. Therefore, pursuant to 28 U.S.C. 1631, this Court will transfer jurisdiction of Defendant's § 2241 habeas petition to the district of confinement, the United States District Court, Middle District of Pennsylvania.

IT IS therefore on this **5th day of April 2022,**

ORDERED that the Clerk shall open a new civil action and docket therein Defendant's emergency motion for reduction of sentence under the First Step Act, 18 U.S.C. § 3582(c)(1)(A) (Dkt. No. 161) with the docket entry "Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241"; and the Clerk shall file a copy of this Order in the new civil action; and it is further

ORDERED that the Clerk shall administratively terminate

Defendant's motion (Dkt. No. 161) in this criminal action; and it is further

ORDERED that pursuant to 28 U.S.C. § 1631, the Clerk of the Court shall transfer jurisdiction of the new civil action to the United States District Court, Middle District of Pennsylvania; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Defendant by regular U.S. mail.

s/Renée Marie Bumb

RENÉE MARIE BUMB

United States District Judge